

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

SEAN JEFFERY BOX

§  
§  
§  
§  
§

Case No. 4:06cr24  
(Judge Schell)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for modification of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 21, 2012, to determine whether Defendant's supervised release should be revoked or modified. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On September 11, 2006, Defendant was sentenced by the Honorable Richard Schell to sixty (60) months' custody followed by three (3) years of supervised release for the offense of Possession of a Firearm in Furtherance of a Drug Trafficking Crime. On August 18, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On December 20, 2011, the U.S. Probation Officer executed First Amended Petition for Summons for Offender Under Supervision. The petition alleges the following: (1) On July 31, 2011, Defendant was arrested by the Dallas, Texas Police Department for the offense of Public Intoxication. Defendant was released on a personal recognize bond. The case was dismissed after the officer missed the court setting; and (2) On December 4, 2011, a Dallas Police Officer was in contact with the Defendant when Defendant was observed walking down the street intoxicated and yelling out loud. The officer gave him a ride to his destination instead of making the arrest for public intoxication.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be modified.

**RECOMMENDATION**

The Court recommends pursuant to 18 U.S.C. § 3583(e) that the District Judge modify Defendant's supervised release. Defendant's supervised release should be modified as follows: the Defendant shall abstain from the use of alcohol and all other intoxicants during the term of supervision.

After the Court announced the recommended modification, Defendant orally consented to modification of supervised release and waiver of right to be present and speak at sentencing. The parties also waived the fourteen (14) day period for objections.

**SIGNED this 22nd day of February, 2012.**



AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE